

Felony ☒ JUDGE/ MAGISTRATE Assigned Trial
 Minor Offense ☐ 8509
 Other Misdemeanor ☐ 1085 4 Disp./Sentence
 District Office 2-27-76

U. S. vs. LUSTER, ANDREW BENTON (53)

Case Filed Yr. | Docket No. | Def.
 Day Mo. 04 | 02 | 76-CR-11 - 1
 No. of 1 *
 Defdnts

I. CHARGES

U. S. CODE SECTION
18:1201(a)OFFENSES
Kidnapping

(Any term of years, or life at the discretion of court)

COUNTS
1

MAGR. CASE NO. 76-4M

BAIL • RELEASE

☐ Personal Recog.
☐ Denied ☐ Unsecured Bond
☐ AMT ☐ Conditional Release
 Set (000) ☐ 10% Deposit
 \$ 50 ☒ Surety Bond
 2-4-76 ☐ Collateral
☒ Bail Not Made
☐ Bail Status Changed (See Docket) ☒ 3rd Party Custody
☒ PSA Cash

II. KEY INTERVALS & DATES

ARREST

1-19-76 or
 U.S. Custody
 Began on Above
 Charges
 1-19-76

☐ High Risk
 Defn. &
 Date Design'd

INDICTMENT ☒ INFORMATION

2-4-76

☐ Waived
☐ Superseding
☐ Indict/Info

ARRAIGNMENT

2-12-76

1st Plea
 " "
 Final Plea

Trial Set For
2-23-76

☒ Not Guilty
☐ Nolo
☐ Guilty
☐ Not Guilty
☐ Nolo
☐ Guilty

TRIAL

Voir Dire ☐

Trial Began ☒ J
 2-26-76 ☐ N
 Trial Ended
 2-27-76

SENTENCE

JURY-N.G.
2-27-76

III. MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/No.	INITIAL 1/19/76	INITIAL/No. MLB 850a	OUTCOME
	Return			PRELIMINARY EXAMINATION OR REMOVAL HEARING	Date Scheduled 1-26-76 Date Held 1-26-76	
Summons	Issued			<input type="checkbox"/> Waived	<input type="checkbox"/> Intervening Indictment	
	Served			<input checked="" type="checkbox"/> Not Waived		
Arrest Warrant		1-18-76	MLB 850a	Tape No. 76-4M	INITIAL/No. MLB 850a	
COMPLAINT		1-18-76	MLB 850a			
OFFENSE (In Complaint)	Did transport in interstate commerce Ralph Curtis Gay, who had theretofore been unlawfully seized					

* Show last names and suffix numbers of other defendants on same indictment/information

V. Excludable Delay

IV. MAGISTRATE & DISTRICT COURT DOCKET ENTRIES

DATE	PROCEEDINGS	(a)	(b)	(c)	(d)
1976					
1-19	Initial hearing before MLB, Mag. Bail fixed at \$50,000 cash. Preliminary hearing set for 1/26/76. Defendant remanded to custody of U. S. Marshal in lieu of bond.				
1-26	Preliminary hearing before MLB, Mag. Defendant bound over to U. S. District Court.				
2-4	Record Vote of the Grand Jury Concurring, fld. in Open Ct. ▼				
2-4	Indictment, fld. in Open Court. Bond set at \$50,000.00, cash or surety. (Allen E. Barrow-Judge)v				
2-5	MO: Case set for ARRAIGNMENT on 2-12-76 at 10:00 a.m. Parties given 10 days (from 2-6-76) to file any and all motions. (AEB-J)v				
2-12	Case called for arraignment. Deft. present & represented by Phil Breckinridge for Robert G. Brown. Defendant advised of charge. Deft. enters plea of NOT GUILTY. Case set for on 2-23-76 at 9:30 a.m. Deft. remanded to U.S.M. (AEB-J)t				
2-14	MO: Case set for jury trial on 2-23-76, at 9:30 A.M. (AEB-J)B nts mld				
2-23-	Case called for jury trial. Deft. present & represented. Govt. represented. Parties announce ready. Jury selected & (Cont'd)				

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY				LETTER CODES For Identifying Periods of Exclud- able Delay Per 18 U.S.C. 3161(h)
		(a)	(b)	(c)	(d)	
2-23 cont	'd.) sworn. Jury to report back on 2-26-76, at 9:30 A.M. (AEB-J)b					A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
2-27	USM return on subpoena, filed. Served Lt. Marvin Clark on 2-29-76. k					B. NARA Examination (28 U.S.C. 2902).
2-27	Return on USM service, subpoena, filed. Served Ralph Curtis Gay by subpoena ticket on 2-19-76 at California.k					C. State or Federal trials on other charges.
2-27	USM return on subpoena, filed. Served Mrs. Lois Juanita Gay by subpoena ticket on 2-19-76 at CA. k					D. Interlocutory Appeals.
2-27	Case tried to jury 2-26 & 2-27-76. Deft. present & represented. Govt. represented. Jury selected & sworn on 2-23-76. Pltff. makes opening statement, & presents case in chief; witnesses sworn & testify. Pltff. rests. Deft's motion for dismissal denied. Deft. waives opening statement & rests. Parties rest. Closing arguments made & Court instructs jury. Bailiff sworn & jury retires to deliberate at 3:15PM on 2-26. Note from jury at 3:45 P.M., return to Ct. & instructions given them. Jury returns to deliberate & At 4:55 p.m., Jury is sequestered, to resume deliberations at 9:30 A.M. on 2-27. (2-27, 9:30 A.M.) Jury deliberating. (11:30 A.M.) Note from jury. (11:35 A.M.) Jury returns with verdict of Not Guilty, Verdict, received, read & filed in open court, finding Deft. NOT GUILTY. Jury discharged. (AEB-J)b					E. Hearings on pretrial motions.
2-27	Verdict, finding Deft. NOT GUILTY, filed.b					F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
2-27	Pltff's exhibits 1 thru 4, filed. b					G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h)(1)(G).
2-27	Two notes from jury foreman, filed. b					H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
2-27	Judgment, filed & entered, finding in favor of Deft. (AEB-J)b					I. Prosecution deferred by mutual agreement.
2-27	Copies of Judgment to U.S. Atty. & Deft. atty. b					M. Unavailability of defendant or essential witness.
3-18-76	Pltff's. Appl. to withdraw Gov't. Trial Exhibits, filed. t					N. Period of mental or physical incompetence of defendant to stand trial.
3-19-76	Ordered that Gov't be permitted to withdraw from the Clerk of the Court Government's trial Exhibits 1, 2, 3, & 4, and to substitute photocopies of said exhibits. (AEB-J)t cps. mld.					O. Period of NARA Commitment or Treatment.
1981						P. Superseding indictment and/or new charges.
1-8-81	EXHIBITS returned to respective parties.am					R. Defendant awaiting trial of Co-defendant when no severance has been granted.
						T. Continuances Granted per 3161(h)(8) (i.e. ends of justice or complexity of case outweighs defendants' interests).
						U. Time between guilty plea and plea withdrawal.
						V. Time while moving prisoner from state institutions per transfer/detainer procedure.
						W. Grand Jury indictment extended per 3161 (b).
						Y. Any delay excluded by court order for reasons not included above.
		(a)	(b)	(c)	(d)	
	Interval (per Section II)	Start Date	End Date	Ltr. Code	Total Days	